



## MAINE STATE BOARD OF EDUCATION

23 State House Station  
AUGUSTA, MAINE 04333

STATE OF MAINE

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The State Board of Education held a regular monthly meeting on March 12, 2008, at the Cross State Office Building, ATM Room 103, Augusta. The following members were present: Vice Chair Philip Dionne; Jean Gulliver; Marilyn Tardy; James Banks; Ann Weisleder; Mabel Desmond; Connie Goldman. Excused: James Carignan, Chair

Also present were: Deputy Commissioner Angela Faherty; Scott Brown, AIA, School Facilities; Harry Osgood, Higher Education Specialist; Meg Harvey; Lora Downing; and Mary Johnson sitting in for Rhonda Casey, Clerk.

### **CALLED TO ORDER:**

The meeting was called to order at 1:05 PM

### **APPROVAL OF MINUTES**

No minutes from February meeting.

### **CONSENT AGENDA:**

CONSIDERATION OF THE PROGRAM REVIEW TEAM TO ASSESS THE REQUEST FROM LESLEY UNIVERSITY, LOCATED IN CAMBRIDGE, MASSACHUSETTS, TO RENEW ITS CURRENT APPROVAL TO OFFER GRADUATE LEVEL ACADEMIC CREDIT PROGRAMS IN MAINE.

COMPOSITION OF COMMITTEE TO REVIEW APPLICATION FOR ADDITIONAL DEGREE-GRANTING AUTHORIZATION AS SUBMITTED BY HEARTWOOD COLLEGE OF ART TO AWARD THE MASTER OF FINE ARTS DEGREE.

CONSIDERATION OF RECEIPT WHEELOCK COLLEGE TEAM REPORT

MOVED by Jean Gulliver, seconded by Ann Weisleder, and unanimously voted by those present to approve the consent agenda.

## **REGULAR BUSINESS:**

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; CONCEPT APPROVAL CONSIDERATION; PORTLAND SCHOOL DEPARTMENT, NEW K-5 ELEMENTARY SCHOOL CONSTRUCTION PROJECT.

**STATEMENT OF FACT:** The Portland school project was rated number one on the 2004-2005 Approved Projects List. The project will house grades K-5, and will replace the Nathan Clifford School and the vacant Percival P. Baxter School will be demolished to make room for the new school on that site. The school will also house an additional 170 students from other Portland elementary schools.

Portland has a very diverse school population. As a result, the design of the school is somewhat different to accommodate many small groups and one-on-one instructional situations to deal with the wide range of needs of the student population. Fifty-two of the additional 170 students from Portland schools, in addition to the Nathan Clifford School population, will be children with special needs in either the Functional Life Skills program or the English Learners Program.

The school system did an outstanding job of defining Portland's needs in their Educational Specifications which guided them in both the design and configuration of educational space. Both the program and the design have been carefully reviewed by the Department of Education. A complete New vs. Renovation Study is on file with the Department of Education which supports the Department's recommendation to build a new school rather than renovate the Nathan Clifford School. All appropriate State and local agencies have been contacted; and where necessary, documented approvals are on file. The building has been designed to High Performance and LEED standards.

*Superintendent Whynot-Vickers has provided the following project description statement:*

The Ocean Avenue School will have a positive and constructive impact on the district. It will:

- Provide an optimal learning environment for all the students of the 100-year old Nathan Clifford School while reuniting Baxter neighborhood students in a neighborhood school,
- Relieve overcrowding at neighboring schools Longfellow and Presumpscot, while opening up needed programmatic space at Riverton,
- Create a student body of socio-economic and ethnic diversity reflective of our city,
- Return ELL students to classrooms in their own neighborhood while reducing the Low SES and ELL density at Reiche School,
- Address a district need for two Functional Life Skills classes (FLS). One classroom will relieve the overcrowding of the FLS program at Hall School and one will provide suitable, handicapped accessible programmatic space for FLS students now at Reiche,
- Locate a new school centrally in the city, bordering directly on the boundaries of seven elementary neighborhood districts, thereby providing for flexibility to respond

to enrollment changes in the future and permitting expansion possibilities should enrollments increase,

- Require minimum maintenance in the first 10 years, thereby allowing our capital improvement fund in that same ten-year period to address the maintenance and renovation needs of 5 older facilities,
- Replace two aging buildings, Nathan Clifford and Baxter, providing savings through energy efficiencies and green design.

This new school significantly enhances and improves the delivery of education in the district by:

- Creating a school that more closely mirrors the demographic make-up of Portland's student population,
- Providing programmatic space for neighborhood English Language Learners and enhances the ethnic diversity of the student body,
- Providing appropriate, accessible programmatic space which better meets the needs of our most significantly disabled learners in the Functional Life Skills special education,
- Creating educational economies of scale. A school of 441 does not require itinerant specialists thereby reducing employee travel time and costs. At this size a school staff can adjust more easily to annual shifts in population,
- Providing well designed program space that allows for improved programming in art, music and physical education,
- Providing small instructional spaces to facilitate differentiation of instruction for diverse students needs,
- Providing flexible spaces that will allow us to respond to changing needs, programs and practices in the decades to come,
- Arranging learning space in two K-5 vertical teams, preserving the deep relationships characteristic of smaller schools within the structure of a larger building,
- Providing a site with increased opportunities for outdoor learning and connections to the natural environment.

In summary, this new elementary school will create a physical learning environment conducive to a positive learning environment and best practice instruction across regular and special programmatic areas. It will have a positive impact on elementary education as a whole by relieving overcrowding at two schools and improving programmatic flexibility at others. Savings achieved through energy efficiencies and reduced maintenance costs can be applied to the improvement of other aging facilities.

This Concept Approval is being requested pursuant to M.R.S.A. Title 20-A, Section 15905(1).

The Portland School Department is requesting Design and Funding Approval for a 441 pupil K-5 school qualifying under State statute and State Board of Education Rule, Chapter 61, Rules for Major Capital School Construction Projects.

Project Information:

Project: Ocean Avenue Elementary School

Superintendent: Jean Whynot-Vickers

Principal: Vacant

Architect: WBRC Architects and Engineers

School(s) to be closed: Nathan Clifford School. The Percival P. Baxter School will be demolished to make room for the new elementary school on that site.

Project Budget Information:

Total Project Cost: \$20,164,591

Local Only (no State participation): \$60,000

Approved for State/Local Debt Service Subsidy: \$19,630,417

Anticipated State and Federal Grants: \$474,174

CONSTRUCTION COMMITTEE RECOMMENDATION: The Construction Committee considered this request at its March 3, 2008, meeting. The Committee voted unanimously to recommend that the State Board of Education approve the exhibit and budget.

DEPARTMENT RECOMMENDATION: The Commissioner recommends that the State Board of Education grant Concept Approval to Portland School Department for a 440 pupil elementary school in Portland, Maine, as a Major Capital School Construction Project and approve the concept budget as presented.\*\*

\*\*This approval constitutes Concept Approval. Final Funding Approval may be subject to adjustment under Section 10, Subsection 1, of the State Board of Education Rules for School Construction Projects, which states:

*“Final Funding Approval by the Commissioner establishes the Project Budget and takes place after construction bids have been received. At that time, the Commissioner may reduce the budget to finance the project, thus providing additional funds for other projects.”*

MOVED by Jean Gulliver, seconded by Marilyn Tardy, and unanimously voted by those present to grant concept approval to the Portland School Department, New K-5 Elementary School Construction Project.

REQUEST APPROVAL OF STATE OF MAINE FIVE-YEAR PLAN FOR  
CAREER AND TECHNICAL EDUCATION UNDER THE CARL D. PERKINS  
CAREER AND TECHNICAL EDUCATION ACT OF 2006 (P.L. 109-270)

As a condition for the receipt of Federal funds to support vocational and technical education, §122 of the recently reauthorized Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109-270) requires a designated “eligible agency” in each State—in Maine’s case, the State Board of Education—to submit a State Plan for Career and Technical Education.

Following planning guidelines issued by the U.S. Office of Vocational and Adult Education on March 12, 2007 (OMB #1830-0029) the Maine Department of Education Career and Technical Education Team has prepared the Five-Year Plan covering the 2007 to 2012 program years. (FY 2008-2013 Maine Fiscal Years) Patterned closely on the one-year “transitional” plan for the 2007 program year (July 1, 2007-June 30, 2008), approved by the State Board on June 11, 2007 the plan was developed with broad input from a series of public hearings and from the career and technical education community in Maine and its stakeholders.

The new iteration of the Perkins Act (“Perkins IV”) grant requirements include:

- Programs of Study requirement
- Increased emphasis on articulation
- Increased emphasis on Teacher development
- Increased accountability-NCLB, technical skills
- Increased emphasis on academic and technical integration
- Tech Prep can roll into basic grant,
- Adult Ed funding as a recipient unallowable
- Special pops moved from permissive to required uses of funds

State grant submission changes include:

- Program of Study process defined and required for funding
- Articulation requirements increased and strengthened
- Professional development emphasized
- NCLB performance indicators used for accountability measures
- Technical skills assessments required
- Tech Prep funds rolled into the Basic Grant and distributed using the Title I(c) formula
- Adult Education funding stream eliminated per requirement of the federal monitoring visit
- Special Populations requirements strengthened
- Mandatory program advisory responsibilities
- New Improvement Strategies-Common evaluation tool, Exploratory Programs, School review- staff contribution by participating Maine review schools, increased Apprenticeship requirements

Motion: The State Board approve the State of Maine Five-Year Plan for Career and Technical Education Under the Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109-270) for Program Years 2007 through 2012 (Maine Fiscal Years FY08-FY13)

MOVED by Phil Dionne, seconded by Ann Weisleder, and unanimously voted by those present to approve the Five Year Plan for Career and Technical Education under the Carl D. Perkins Career and Technical Education Act of 2006 – (P.L. 109-270).

ADOPTION OF MAINE STATE BOARD OF EDUCATION REVISIONS TO RULES  
AS REQUIRED FOR IMPLEMENTATION OF CHAPTER 469 – “AN ACT TO  
ALLOW TAX CREDITS FOR COLLEGE LOAN REPAYMENTS”

**BACKGROUND:** The 123<sup>rd</sup> Legislature enacted LD 1856 – “An Act to Allow Tax Credits for College Loan Repayments”. This act specified that the State Board of Education “. . . shall, in accordance with section 3, adopt rules, which are routine and technical rules pursuant to Title 5, chapter 375, subchapter 2-A, as necessary to carry out the purposes of this chapter”. This chapter also requires the State Board “. . . shall draft an opportunity contract for use in enrolling individuals in the program” and specified what the opportunity contract must contain. This Act created the Opportunity Maine program and required that this educational opportunity initiative be in place by January 1, 2008.

The Board acted to adopt the final rules and the Opportunity Contract during its December 12, 2007 meeting. When these rules were passed by the Office of the Office of the Attorney General for the final sign off, it was determined that three provisions in the final rules exceeded the intent of the initial filing for rule making. These items were subsequently deleted from the text of the adopted rules. On advice of the Attorney General’s office, during its January 9, 2008, meeting, the Board provisionally adopted two revisions to the earlier adopted rules as they pertain to the establishment of time limits for commencing program participation. Following provisional adoption, the proposed changes in language were filed with the Secretary of State’s Office on January 15, 2008. Public notices of the proposed changes were filed by the Secretary of State’s Office establishing that, in the absence of a public hearing, the end of the public comment period would be February 22, 2008. During this time frame, no public comments regarding the proposed changes have been received.

**RECOMMENDATION:** That the State Board of Education formally adopt the two proposed changes to rule as they pertain to the establishment of time limits for commencing program participation in the Opportunity Maine program.

MOVED by Jean Gulliver, seconded by Jim Banks, and unanimously voted by those present to adopt the proposed changes to rule as they pertain to the establishment of time limits for commencing program participation in the Opportunity Maine Program.

**REPORTS:**

Due to a recording error Board reports were not able to be transcribed.

**ADJOURNMENT:**

State Board of Education unanimously agreed to adjourn the March 12, 2008, meeting at 2:35PM.